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GROUP ART UNIT: 2614
Examiner: BELIVEAU, Scott E.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Date: November 8, 2006

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Attorney Docket No. PD-990142

Please find attached Re: 09/590,417

Filed on: June 8, 2000

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Georgann S. Grunebach, Reg. No. 33,179

Customer No. 020991

Due Date: November 20, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	
Inventor: Arthur R. Tilford	Examiner: Scott E. Beliveau
Serial No.: 09/590,417	Group Art Unit: 2614
Filed: June 8, 2000	Appeal No.: _____
Title: METHOD AND APPARATUS FOR TRANSMITTING, RECEIVING, AND UTILIZING AUDIO/VISUAL SIGNALS AND OTHER INFORMATION	

REPLY BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §41.41, Appellants hereby submit their Reply Brief on Appeal from the final rejection of claims of the above-identified application, and as set forth in the Answer mailed September 20, 2006.

No fee is required for filing this Reply Brief. However, the Office is authorized to charge any necessary fees or credit any overpayments to Deposit Account 50-0383 of The DIRECTV Group, Inc., the assignee of the present application.

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I. ARGUMENTS

In response to the Examiner's Answer, Appellants reassert the primary arguments set forth in the Appeal Brief. In addition, Appellants address the arguments set forth therein.

A. Independent Claims 35, 47, and 57 Are Patentable Over Perlman in view of PocketTV and further in view of Huang

Appellants note that the claims are very specific in their limitations. In this regard, the claims explicitly provide that the STB has specific capabilities: the STB must be capable of receiving audio/visual information from a hand-held computing device and must be capable of displaying such received information on an output device.

The Office Actions and Examiner's Answer assert that such limitations are equivalent to features of a VCR; that the PocketTV press release is a miniature VCR, and therefore, the PocketTV press release meets the limitations of the claims. Appellants respectfully disagree and have attacked the validity and the manner in which the PocketTV press release has been used throughout the prosecution history of this case.

Page 29 of the Examiner's Answer responds to some of the prior arguments. In this text, the Answer presumes the reference to be operable and states that the Applicants must provide facts rebutting the presumption of operability. While the MPEP does provide that a reference is presumed to be operable, such a presumption is based on a condition precedent. Namely, the MPEP requires that the reference relied on must "expressly anticipate or make obvious all of the claimed invention". Appellants submit that the reference does not make obvious all of the claimed invention. More specifically, the PocketTV press release fails to make obvious the specific claim limitations for which the PocketTV press release is relied upon. In this regard, under MPEP 2121.01 "The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. *Elan Pharm., Inc. v. **>Mayo Found. For Med. Educ. & Research<*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003).

In view of the above, rather than relying on explicit aspects of the PocketTV press release to teach particular claim limitations, the Answer and Office Actions rely on a quotation from the President of the producer of PocketTV (Tristan Savatier) that states "With PocketTV, your Handheld or Palm-size PC becomes a miniature VCR..." The Action then concludes that since it can become a miniature VCR, the VCR like aspects of the claimed invention are rendered obvious. Such conclusions and logical leaps by the Patent Office are without merit. Again, Appellants are not asserting that the PocketTV device discussed in the article does not exist or is not operable. What Appellants are asserting is that the alleged features of the PocketTV device upon which the Examiner relies upon to reject specific claim limitations are neither taught nor rendered operable by the PocketTV press release. Again, should the Examiner desire to provide a user manual or guide that describes such features and they are used with respect to the specific claim limitations, then the Appellant would have to address such limitations. However, to date, the Examiner has failed to provide such a user guide.

The Examiner continues and states on page 30, that "there does not appear to be any sensible basis to doubt the assertion that the software enables a 'handheld computing device' to become a miniature VCR which allows for the recording/playback of video files". Appellants do not necessarily disagree with such an assertion. However, the claims do not provide for merely recording and playing back video files. On the other hand, as set forth in the Appeal Brief, the PocketTV press release is merely used to playback video on the device itself. What the claims provide for is to receive the content from one STB, store the content, and then transmit the content to a second STB for display on an output device. Such a teaching is completely lacking from that of the PocketTV press release or the other cited references (either alone or in combination).

Appellants also note that the Answer states that a removable memory module of the HP Jordana device could be construed as analogous to a cassette tape (see page 29 of Answer). Such a use of a memory module distinguishes from and teaches away from the transmission as set forth in the present claims. In this regard, no memory module needs to be removed and placed

into another device to transmit the content to the STB for display as claimed. Thus, the Patent Office in fact acknowledges some distinguishable features of the PocketTV device that teaches away from the present invention.

The Answer continues on page 31 with numerous assertions that the PocketTV device is "a miniature VCR". Again, such a teaching is wholly and completely lacking from the PocketTV press release. One cannot merely make a statement without any evidentiary or factual support and then rely on such a statement for such facts. For example, Appellants cannot assert in a press release "My bicycle becomes a miniature car", and then state that since cars have engines, the bicycle teaches the use of an engine on a bicycle. There is absolutely no rational logic that supports such an allegation. Yet, such an allegation is exactly what the Examiner is attempting to do in this case. Again, Appellants are not asserting that the PocketTV device cannot be used to playback content on the device itself. What Appellants are asserting is that the PocketTV device is not a miniature VCR and is not capable of receiving, storing, and transmitting content as set forth in the present claims.

In response, the Examiner's Answer asserts that the combination of Perlman with the PocketTV press release is being used and not the PocketTV reference alone. While Applicants agree that one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references, the claimed invention must also be examined as a whole and whether the "whole" claimed invention would have been obvious at the time of invention (see MPEP §2142). In addition, under MPEP §706.02(j) "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." No such suggestion or motivation exists in either the PocketTV press release or in Perlman.

In addition, the Answer continues and relies on the HP Jornada user's guide that describes the browsing of the Jordana desktop for the motivation to display the content on a large screen. Appellants note that this portion of the user guide provides:

> While the HP Jornada is connected to a desktop PC, you can use ActiveSync to browse the contents of the HP Jornada from your desktop.
> To browse the HP Jornada desktop
> 1. On the File menu of the ActiveSync window, click Explore. Windows Explorer opens the Mobile Device folder.

> You can cut, paste, and copy files between folders on the P/PC, or transfer files between the P/PC and your desktop PC, simply by dragging the file icons between the appropriate folders.

Such content again illustrates the limitation that it must be connected to a PC. Such a requirement is particularly true since the Windows Explorer application must be used and a menu of an ActiveSync application. Such a use clearly demonstrates the differences between the STB of the claimed invention and a PC that the Jordana device is connected to.

In addition, Appellants note that the handheld device, as claimed, controls the STB using a command signal and transmits the content to the STB for display. Such a teaching is again entirely lacking from any of the cited references, either alone or in combination.

Page 34 of the Examiner's Answer acknowledged the lack of teaching of the PocketTV press release in combination with Perlman but continued with an improper interpretation of the arguments set forth in the Appeal Brief:

> The PocketTV™ reference in combination with the Perlman reference is silent regarding the further usage of the "handheld computing device' as a form of remote controller. Responsive to appellants arguments (Page 15, Para. 3), the Huang reference is provided to teach and provide motivation for facilitating EPG and for controlling a number of devices using a 'handheld computing device'. The particular limitations that the examiner concludes are taught by the reference and the motivation to combine the reference with the other references is not addressed in the Appeal Brief. Accordingly, the examiner concludes that the particular usage and teachings of the Huang reference are not at issue for Appeal.

Appellants respectfully disagree with and traverse such an assertion. The Appeal Brief provides:

> The Office Action relies on the teaching of Huang for controlling one or more STBs using the command signal. While Huang discloses a remote control system via a PDA (see col. 4, lines 62-66 and Title), Huang still fails to cure the deficiencies of Perlman, PocketTV, and the HP User Guide as described above. Specifically, Huang is limited to the user of a PDA as a remote control to control consumer electronics devices (see col. 4, line 66-col. 5, line 1). However, Huang still fails to teach the receiving or transmitting of audio/visual information from a handheld device to an STB as claimed. Further, none of the cited references even remotely describe an STB that is capable of displaying audio/visual information on a display where that audio/visual information was received from a handheld computing device (as claimed).

In view of the above, Appellants submit that the Patent Office is breaking down the claims into its constituent parts and wholly failing to consider the claims as a whole. MPEP 2141.01 provides that "in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but

whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)." The present invention provides for a unique device that provides significant advantages over the prior art. In addition, the combination of all of the claim elements must be considered together as a whole and not in individual parts. As previously asserted, the Patent Office has still failed to present any motivation to combine the cited references as suggested. Further, even if combined, the present invention would not result. Instead, an unworkable device that does not perform the claim limitations nor provide the advantages of the present invention would result.

B. Dependent Claim 48 Is Patentable Over Perlman in view of PocketTV and further in view of Huang

In response to the Examiner's Answer, Appellants reassert the arguments set forth in the Appeal Brief. Primarily, the Patent Office is relying on impermissible hindsight and fails to reach the detailed limitations of the claims when considered as a whole.

Again, the claimed device provides for using a handheld computing device. In this regard, the device receives audio/visual information from a set top box (wherein such information was received in the STB from a broadcast). The STBs are configured to transmit and receive the audio/visual information to the device and to display the information on an output device. In addition, the device is configured to receive commands from a user that controls one STB while at the same time being able to transmit the information to a different STB (than the STB that transmitted the info to the device) that displays the information on an output device. This dependent claim explicitly provides that the STB sends the information to one device but receives information from a second different device and displays the information. Such limitations are nowhere to be seen in any of the cited references, either alone or in combination.

The Examiner argues:

> If conventional is to be construed per appellant's own definition as being 'unimaginative' then it follows that a particular modification to the illustrated architecture of Figure 1of the application to utilize different handheld computing devices would similarly be an 'unimaginative' leap. Therefore,

> why would the particular modification to the combined references which present the same architecture as that of the application be considered non-obvious to one skilled in the art in light of appellant's clear statement that it is an 'unimaginative' modification to what is illustrated in Figure 1.

Appellants respectfully disagree with and traverse such assertions. Appellants note that different standards are used for determining whether support exists in an application for supporting a written description with respect to the drawings and versus that of a non-obviousness determination. With respect to the written description, as stated in the Appeal Brief, 37 CFR 1.83(a) provides that conventional features "disclosed in the description and claims, where their detailed illustration is not essential for proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or labeled representation (e.g., a labeled rectangular box)."

However, with respect to obviousness, under MPEP §2142 and 2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." In view of the different standards, Appellants submit that the Examiner is confusing the different standards and attempting to apply them to each other without any legal foundation.

Again, Appellants argued that the claimed scenarios (wherein different handheld computing devices are used) contained conventional features that were described in the specification in claims and could be illustrated in the drawing in the form of a graphical drawing symbol or labeled representation. Such an argument is not similar or equivalent to stating that utilizing different handheld computing devices are unimaginative. Again, the specification of the originally filed application clearly supports the dependent claims. The Examiner is confusing the standards relating to arguing whether support exists in the drawings versus that needed to establish nonobviousness. Merely because Appellants are arguing details need not be shown in the drawing does not mean that the invention is obvious.

The Examiner continues (on page 36) and recites:

> The particular sharing of media among compatible devices between locations is notoriously well known. For example, the instant application discloses that the particular ability to record media at one location using a VCR and then go to another location to play the media back using a compatible VCR is well known (IA: Page 2, Lines 3-12).

Appellants disagree with and traverse these assertions. Appellants acknowledge the compatible VCRs can be used to play back compatible cassette tapes. However, that is not what the present invention claims or what the limitations are directed towards. The present claims are not directed towards a VCR but to a handheld computing device that you can carry with you, that you can receive content on and then transmit to a STB and playback the content through. Such features and capabilities (as clearly set forth in the claim limitations) are not even remotely hinted at in the cited references.

C. Dependent Claims 36, 37, 58, and 59 Are Patentable Over Perlman in view of PocketTV and further in view of Huang

In response to the prior arguments, the Examiner submits:

> In particular, it is the examiner's position that the particular display of media using either the "same" or a "different STB" from which the content was originally received was clearly only knowledge that was within the level of ordinary skill at the time the claimed invention was made.

Appellants note that such an assertion fails to rely on art of record in the case but is merely an assertion based on the Examiner's belief and intuition as to the level of ordinary skill at the time the claimed invention was made.

The Answer continues and refers to Appellants admission, the PocketTV press release, and the HP Jordana User Guide. Appellants traverse such assertions. Namely, Appellants have not admitted that the ability to share and distribute media between users with a similar configuration is clearly known in the art. Further, the PocketTV press release does not remotely reflect the use of different or the same STBs as claimed. Lastly, the HP Jornada reference also fails to disclose such claim limitations. Without any evidentiary support based on a cited reference, the Examiner continues to rely on impermissible hindsight to reject the claims. While Appellants appreciate the Examiner's acknowledgement of the benefits of the present invention, the rejections based on such an acknowledgement lack a legal foundation.

D. Dependent Claims 36, 37, 58, and 59 Are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellants respectfully reassert the arguments set forth in the Appeal Brief.

E. Dependent Claims 38, 49, and 60 Are Patentable Over Perlman in view of PocketTV and further in view of Huang

Appellants respectfully reassert the arguments set forth in the Appeal Brief. In addition, Appellants again note that the PocketTV press release does not and cannot teach all features of a VCR merely by stating that it becomes a miniature VCR. Further, the VCR like features upon which the claims are rejected are not present anywhere, explicitly or implicitly in the PocketTV press release.

F. Dependent Claims 38, 49, and 60 Are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellants respectfully reassert the arguments set forth in the Appeal Brief.

G. Dependent Claims 39 and 61 are Patentable Over Perlman in view of PocketTV and further in view of Huang

In countering the arguments set forth in the Appeal Brief, the Examiner merely states that the particular usage of MPEG encryption is notoriously well known in the art and the PocketTV article provides no teaching so as to dissuade one from employing a well-known technique to prevent unauthorized copying of information. As admitted by the Examiner, MPEG standards is "an open, nonproprietary, and non-encrypted format." Now the Examiner is asserting that MPEG includes encryption.

For such support, the Examiner improperly recites a new patent – Park (U.S. Patent No. 5,761,302). Appellants note that the Examiner has not officially used Park to reject the claims. Instead, the Examiner unofficially refers to it for a proposition that MPEG encryption can be used in

association with a recording device to limit distribution of recorded media. Namely, the Examiner relies on col. 1, lines 5-10 and col. 2, lines 40-45.

Appellants respectfully traverse such an assertion. Col. 1, lines 5-10 provide:

> The present invention relates to a copy prevention technology for a digital video system, and more particularly, to a copy prevention method and apparatus for a digital VCR to which encryption is introduced to display a picture only in a VCR internally containing a corresponding encryption code, thereby preventing tape from being copied.

Col. 2, lines 40-45 provide:

> Therefor, it is an object of the present invention to an illegal copy prevention method and apparatus for a digital video system in which, in copy tape, encrypted key information is transmitted and recorded so that a copied tape is reproducible only in a VCR having a corresponding encrypted key information, thereby preventing copy.

Thus, as can be seen, the text of Park merely provides for encrypting data onto a copy tape that can only be viewed by a VCR having key information that can decrypt the content on the tape. Such a teaching is not even remotely similar to that of the present claims.

The present claims provide for encrypting data that is stored on the handheld computing device. Encrypting data on a tape does not and cannot teach, disclose, or suggest, explicitly or implicitly encrypting data that is stored on the claimed device.

In view of the above, Appellants respectfully request reversal of the rejections of these claims.

H. Dependent Claims 39 and 61 are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellants reassert the arguments set forth in the Appeal Brief.

I. Dependent Claims 40, 50, and 62 are Patentable Over Perlman in view of PocketTV and further in view of Huang

In response to the arguments in the Appeal Brief, the Examiner indicates that the features upon which applicant relies are not recited in the rejected claims. Appellants respectfully disagree. The independent claims provide that the handheld computing device both (1) controls the STB using a

command signal, and (2) transmits stored audio/visual information to the STB for display on an output device. These dependent claims provide that the communication between the handheld device and the STBs is via wireless communication. Thus, the claims provide that both aspects (1) and (2) are conducted via a wireless transmission. In view of the above, Appellants submit that the arguments set forth in the Answer are meritless.

J. Dependent Claims 40, 50, and 62 are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellants reassert the arguments set forth in the Appeal Brief.

K. Dependent Claims 41, 51, and 63 are Not Separately Argued

L. Dependent Claims 42, 52, and 64 are Patentable Over Perlman in view of PocketTV and further in view of Huang

Appellants first note that this claim is directed towards the handheld computing device controlling a VCR (a video cassette recorder) that is incorporated into the STB. Thus, the claim clearly distinguishes between a VCR and that of the handheld computing device. In this regard, the Office Action alleges that the PocketTV press release equates the handheld device to a miniature VCR. If such facts were true, then there would be no reason or rationale for the PocketTV device to control another VCR in an STB. Consequently, the language of this claim and the existence of a VCR in the STB as claimed makes it impossible for the Examiner's original analysis with respect to the PocketTV press release to apply herein.

In addition, in response to the prior arguments, the Examiner now asserts that a VCR is commonly understood to be a device for the recording and playing back of media. Appellants submit that a VCR as commonly understood is a device that uses videocassettes for recording and playing back videotapes (see Merriam-Webster Online Dictionary at www.m-w.com/dictionary/vcr). Thus, rather than a VCR being capable or recording and playing back media itself, it is merely a device that causes such recording to occur on a cassette tape in analog form. In this regard, the PocketTV

device is not and cannot be a VCR since it does not have a tape as are commonly used in VCRs. In fact, by definition, a VCR has a cassette (i.e., it is a video cassette recorder).

In addition, the Examiner continues and states that the STB can be a digital video tape for recording and playback of video. Such an interpretation extends well beyond the commonly understood meaning of both VCRs and digital video tapes. In this regard, a digital video tape is still a tape but is capable of recording digital content. A digital video tape merely records digital rather than analog signals. Further, such digital video tapes are used to record information from a video camera on mini-digital video tapes. To date, the Examiner has not presented any disclosure or teaching that describes a VCR using digital video tapes. Appellants submit that such a practice is not common and is well outside the scope of the cited references. Instead, on digital recording systems, tapes are not used, but the data is merely recorded onto a hard drive. However, Appellants are not making any assertions with respect to digital video recorders or the valid dates or priority of such information with respect to the present invention.

In view of the above, for the Examiner to assert that an STB can be combined with a digital video tape is wholly without merit. Such a digital video tape would have to have an input mechanism to insert the tape, mechanics for playing and recording the information, etc. It is completely and entirely illogical and without merit to assert that a device is a digital video tape without any factual support within the reference.

In view of the above, Appellants respectfully request reversal of the rejections.

M. Dependent Claims 43, 53, and 65 are Patentable Over Perlman in view of PocketTV and further in view of Huang

In response to the prior arguments, the Examiner counters while relying on his own knowledge without taking official notice of any facts or relying on a reference. The Examiner asserts

> No known compression in the art can allow the device to physically store every video stream in the known universe on a 64 MB card. Given the limited amount of memory, why would the system record video that is not desired by the user? Given the plurality of broadcast streams available to it, why wouldn't the system serve to filter or to only record those requested/desired? Similarly, why would the system transmit information to the recording device that it can't possibly store due to a lack of storage space?

As can be clearly seen from such text, the Examiner is asserting arguments without any factual or evidentiary support. As to recording video that is not desired by the user, it may be possible that a system automatically records data that it may think or anticipate the user desires (when the user doesn't actually desire the material). Again, the Examiner is making improper assertions and completely fails to establish a prima facie case of non-obviousness with respect to these claims.

The Examiner continues and essentially acknowledges the benefits of the present invention. While Appellants appreciate such acknowledgement, to assert that such benefits are obvious relies on impermissible hindsight.

N. Dependent Claims 43, 53, and 65 are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellants reassert the arguments set forth in the Appeal Brief.

O. Dependent Claims 44, 54, and 66 are Not Separately Argued

P. Dependent Claims 45, 55, and 67 are Patentable Over Perlman in view of PocketTV and further in view of Huang

In response to the prior arguments, the Answer provides:

> The claims require absolutely nothing with respect to the size of the "threshold". If there isn't any information to transmit (ex. 0 MB), then why or what would it transmit. Rather, video information is clearly only transmitted for playback when there is something to transmit (ex. greater than 0 MB).

Appellants respectfully traverse the assertions. The fact that the claims recite "an amount" inherently indicates that there must be some data. Further, as claimed, a comparison is conducted between the amount and a threshold. The Examiner is again making an assumption that the threshold is merely any data at all. Under the Examiner's interpretation, the information would always and automatically be transmitted whenever the data existed at all. Such a practice neither teaches, nor discloses, explicitly or implicitly, a determination regarding an amount of data with respect to a threshold and transmitting when the threshold has been exceeded (as claimed). Further,

such an interpretation would render the claim as having no limitations and thereby be essentially worthless. In this regard, such an interpretation is improper. Thus, the Patent Office has failed to establish a prima facie case of obviousness.

The Answer continues and provides that the HP Jordana can only support streaming once the transmission rate reaches 100 Mbit/sec. The Examiner concludes that "once or only when the 'amount of information' exceeds the threshold or necessary bandwidth of 100 Mbit/sec, can the system transmit/distribute information wirelessly." Appellants respectfully disagree with and traverse such an assertion. Such an argument is wholly without merit. The reference to 100 Mbit/sec is in the PocketTV press release and provides:

> "As soon as wireless streaming reaches 100 Mbit/sec or higher bitrate for Palm-size devices, PocketTV will bring streaming video directly to your Pocket", added Tristan.

As can be seen, the reference to 100 Mbit/sec describes what PocketTV may be able to support in the future. Such a statement has nothing whatsoever to do with the current capabilities of the PocketTV device or the Jordana device. Nor does such a statement have any relationship to the claimed evaluation of a threshold. In fact, the PocketTV press release does not describe what bit rate it supports whatsoever. Again, the Examiner consistently relies on the PocketTV press release which is not enabling for the purpose and limitations upon which it is relied.

Q. Dependent Claims 45, 55, and 67 are Patentable Over Schindler in view of PocketTV and further in view of Huang

Appellant reasserts the arguments set forth in the Appeal Brief.

R. Dependent Claims 46, 56, and 68 are Not Separately Argued

S. Independent Claims 35, 47, and 57 are Patentable Over Schindler in view of PocketTV and further in view of Huang

The arguments set forth in the Answer are cumulative to those previously set forth. Accordingly, Appellants reassert the arguments as set forth in the Appeal Brief and above with

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respect to these claims.

T. Dependent Claim 48 Is Patentable Over Schindler in view of PocketTV and further in view of Huang

The arguments set forth in the Answer are cumulative to those previously set forth. Accordingly, Appellants reassert the arguments as set forth in the Appeal Brief and above with respect to these claims.

U. Dependent Claims 42, 52, and 64 Are Patentable Over Schindler in view of PocketTV and further in view of Huang

The arguments set forth in the Answer are cumulative to those previously set forth. Accordingly, Appellants reassert the arguments as set forth in the Appeal Brief and above with respect to these claims.

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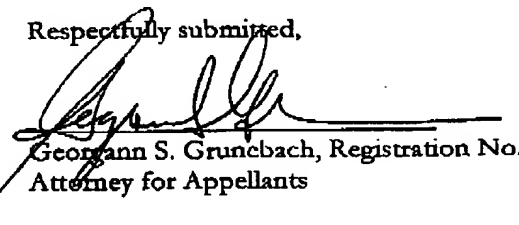
II. CONCLUSION

In light of the above arguments, Appellant respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant's claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,



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